

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Total Telecommunications Services,)	
Inc.,)	
)	
and)	
)	
Atlas Telephone Company, Inc.,)	
)	
Complainants,)	
)	
v.)	File No. E-97-03
)	
AT&T Corporation,)	
)	
Defendant.)	

ORDER

Adopted: June 11, 2003

Released: June 12, 2003

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On January 24, 2003, the United States Court of Appeals for the District of Columbia Circuit entered an opinion resolving petitions for review filed by Total Telecommunications Services, Inc. ("Total") and AT&T Corporation ("AT&T")¹ challenging the Commission's final Memorandum Opinion and Order in the above-captioned matter.² In its opinion, the D.C. Circuit rejected all of Atlas' and Total's claims and denied their petition for review.³ The D.C. Circuit granted AT&T's petition for review in part, and remanded the Order to

¹ *AT&T Corporation v. FCC*, 317 F.3d 227 (D.C. Cir. 2003).

² *In the Matter of Total Telecommunications Services, Inc. and Atlas Telephone Company, Inc.*, Memorandum Opinion and Order, 16 FCC Rcd 5726 (2001).

³ *AT&T Corporation v. FCC*, 317 F.3d at 230.

the Commission to consider AT&T's argument that Total did not provide access service and to clarify the effect of the dismissal of AT&T's counterclaim.⁴

2. On June 5, 2003, the parties filed a Joint Request for Dismissal, indicating that they have reached a mutually acceptable settlement of all issues remaining in this proceeding and requesting that the Commission terminate this docket.⁵

3. We are satisfied that dismissing this matter will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of additional time and resources of the parties and this Commission.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, sections 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Joint Motion for Dismissal of the above-captioned proceeding IS GRANTED.

5. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, sections 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that this proceeding is DISMISSED and TERMINATED with prejudice.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division
Enforcement Bureau

⁴ *Id.*

⁵ Joint Request for Dismissal, File No. E-97-03 (filed June 5, 2003).